

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

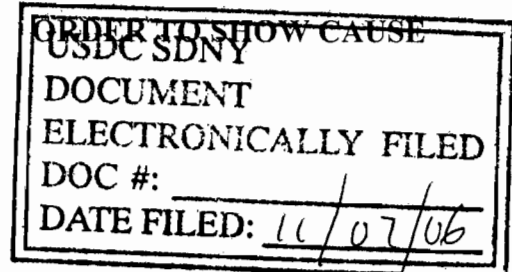
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JESSE HANSON, et al.,

Plaintiffs,

v.

DONALD RUMSFELD, United States Secretary
of Defense, et al.,

Defendants.
----- X



NOTICE: THIS IS A COURT ORDER WHICH REQUIRES YOU TO APPEAR IN PERSON IN COURTROOM 12B, UNITED STATES COURTHOUSE, 500 PEARL STREET, NEW YORK, NEW YORK 10007 AT 4:00 PM ON NOVEMBER 15, 2006.

WHEREAS the New York Civil Liberties Foundation ("NYCLU") moves to withdraw as counsel for plaintiff Kevin Tobar pursuant to Rule 4.1 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, a copy of which motion is attached to this Order;

WHEREAS in support of its motion, NYCLU has offered the declaration of NYCLU staff attorney Corey Stoughton, dated November 6, 2006, attached to this Order, in which Ms. Stoughton states that despite NYCLU's repeated efforts to contact Mr. Tobar by written correspondence and by telephone, NYCLU has been unable to establish contact with him since July 2006; and

WHEREAS defendants Donald Rumsfeld, United States Secretary of Defense; Dr. David Chu, Under Secretary of the United States Department of Defense ("DoD") for Personnel and Readiness; and Matt Boehmer, Program Manager, Joint Advertising Market Research and

Studies ("JAMRS") (collectively, "defendants"), have stated on the record that they do not oppose NYCLU's motion to withdraw, it is hereby


ORDERED that NYCLU shall serve by certified express mail and regular express mail (1) a copy of its motion to withdraw and (2) a copy of this Order on plaintiff Kevin Tobar at his last known home address upon receipt of this signed Order, and send proof of such service to the Court; and

ORDERED that plaintiff Kevin Tobar is instructed to appear in Courtroom 12B, United States Courthouse, 500 Pearl Street, New York, New York, at 4:00 pm on November 15, 2006, either in person or by an attorney, to advise the Court (a) whether he opposes NYCLU's motion to withdraw and the reasons for his opposition, or (b) if he does not oppose NYCLU's motion, whether he intends to proceed with this action, and if so, whether he intends to seek new counsel or proceed pro se.

ORDERED that if Mr. Tobar fails to appear in Court on the aforementioned date and time, NYCLU's motion to withdraw shall be granted.

IT IS FURTHER ORDERED that if Mr. Tobar fails to appear in Court on the aforementioned date and time, he is instructed to appear in Courtroom 12B, United States Courthouse, 500 Pearl Street, New York, New York, at 4:00 pm on December 6, 2006, either in person or by an attorney, to show cause why his claims in this action should not be dismissed for failure to prosecute under Fed. R. Civ. P. 41(b).

Dated: New York, New York
November 7, 2006



JOHN G. KOELTL
UNITED STATES DISTRICT JUDGE